

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,)	CR. NO. 4:94-665 (CMC)
)	
v.)	OPINION and ORDER
)	
Henry Chester,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's motion to correct sentence under 28 U.S.C. § 2255. ECF No. 146. On May 5, 2016, the Government filed a response to Defendant's motion indicating that in light of the Fourth Circuit's holding in *Johnson v. United States*, __ U.S. __, 135 S.Ct. 2551 (2015), Defendant is no longer an armed career criminal and should be resentenced. ECF No. 149.

The court **grants** the motion for relief under 28 U.S.C. § 2255. The Judgment Order as to Henry Chester in CR 4:94-665 filed June 13, 1995, is hereby **vacated**, and this matter is set for resentencing on **Tuesday, June 7, 2016, at 2:00 p.m.**

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
May 10, 2016